

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ETORI et al

Serial No.: 09/740,809

Filed: December 21, 2000

For: A SEE-THROUGH LIGHT
TRANSMITTING TYPE SCREEN



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) Examiner: Cruz
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) Art Unit: 2851
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PETITION TO VACATE THE FINALITY OF THE OFFICE ACTION
OF OCTOBER 25, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that the examiner be directed to withdraw the finality of the office action of October 25, 2002.

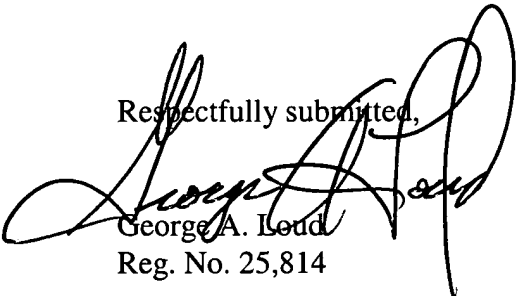
In applicants' response filed August 16, 2002, claim 1 was amended to include the limitation of cancelled claim 3 and was further narrowed by incorporation of the limitation of claim 2 and the word "laminated". In view of the fact that claim 3 depended directly from claim 1 and was not rejected for anticipation over Watanabe et al in the first office action, incorporation of the limitation of claim 3 into claim 1 would seem to have obviated the rejection for anticipation by Watanabe et al. See paragraph 8 of the initial office action and the fourth paragraph at page 5 of applicants' response of August 16, 2002. If original claim 3 was not anticipated by Watanabe et al, it necessarily follows that claim 1 as amended August 16, 2002 to include the limitation of claim 3, likewise is not anticipated. However, the examiner, in the subsequent office action of October 25, 2002, for the first time applies Watanabe et al in an anticipation rejection of a claim containing the limitation of claim

3. Accordingly, the rejection for anticipation by Watanabe et al should be regarded as a new ground of rejection which was not necessitated by any amendment.

In paragraph 7 at page 5 of this latest office action of October 25th the examiner asserts that applicants' arguments in their response of August 18th "are not persuasive." Of course not. Applicants' arguments were directed to an obviousness rejection, applied to claim 3, based on a combination of Watanabe et al and Lee. Again, the amendment of claim 1 to include the limitation of claim 3 should have obviated the rejection for anticipation by Watanabe et al, as set forth in paragraph 8 of the first office action, which rejection was not applied to claim 3.

Accordingly, it is respectfully requested that the finality of the office action of October 25, 2003 be withdrawn.

Respectfully submitted,


George A. Loud
Reg. No. 25,814

Dated: October 30, 2002

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